

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15373 of Yes! Inc., as amended, pursuant to 11 DCMR 3107.2, for a variance from the rear yard requirements (Sub-section 774.1) and a variance from the floor area ratio requirements (Sub-section 1306.7) for an addition to a commercial structure in a C-2-A District at premises 3425 Connecticut Avenue, N.W., (Square 2219, Lot 802).

HEARING DATE: October 17 and December 19, 1990  
DECISION DATE: December 19, 1990 (Bench Decision)

ORDER

The application was originally scheduled for the public hearing of October 17, 1990. The application appeared on the preliminary agenda due to the applicant's failure to post the property fifteen days before the public hearing as required by 11 DCMR 3317.4. The property was posted fourteen days. In addition, staff indicated that the notice of the public hearing was based on the relief requested by the applicant when the case was filed on June 13, 1990 and set forth in the memorandum from the Zoning Administrator's Office dated November 21, 1988. During review of the application it was noted that the Zoning Regulations were amended by Zoning Commission Order No. 616 dated November 3, 1989 and includes, in part, a new Cleveland Park Neighborhood Commercial Overlay District. The new Cleveland Park Neighborhood Commercial Overlay District applies to the property which is the subject of the instant application and would require additional variance relief which was not properly advertised. The applicant submitted a memorandum from the Zoning Administrator dated October 9, 1990 which incorporates the provisions of the new Cleveland Park Neighborhood Commercial Overlay District. The Board ruled that the case be readvertised and the public hearing be rescheduled for December 19, 1990.


At the public hearing of December 19, 1990, the application was called in order and several additional times during the course of the public hearing. No representative of the applicant nor any other interested party was present. Staff of the Zoning Secretariat contacted the applicant's agent by telephone and were informed that the applicant did not wish to proceed with the case. Based on the foregoing it is hereby ORDERED that the application is hereby DISMISSED for failure of prosecution.

VOTE: 4-0 (Charles R. Norris, Paula L. Jewell, Sheri M. Pruitt and Carrie L. Thornhill to dismiss; Tersh Boasberg not present, not voting).

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BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
\_\_\_\_\_  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER:

JAN 15 1991

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

15373Ord/BHS

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 15373

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated JAN 15 1991 and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Richard Newlon Associates  
3704 Macomb Street, N.W.  
Washington, D.C. 20016

Oliver Popenoe  
Yes, Inc.  
501 Springdale Road  
Great Falls, Virginia 22066

Patricia Wamsley, Chairperson  
Advisory Neighborhood Commission 3C  
2737 Devonshire Place, N.W.  
Washington, D.C. 20008

A handwritten signature in black ink, appearing to read "ELC", is written over a horizontal line.

EDWARD L. CURRY  
Executive Director

DATE: JAN 15 1991

Attes.1/BHS